Reg. No. KL/TV(N)

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Thursday, 11th December 1975 / 20th Agrahayana 1897 [No. 727

GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

G. O. (Rt) 2560/75/Home. *Dated, Trivandrum, 11th December 1975.*

S. R. O. No. 1199/75.—Whereas the Government of Kerala are of opinion that the continued existence of the Commission of Inquiry appointed as per notification issued under G. O. (Rt) 384/75/Home dated 22nd February, 1975 and published in the Kerala Gazette Extraordinary No. 95 dated the 22nd February 1975, is unnecessary;

Now, therefore, in exercise of the powers conferred by clause (a) of sub section (1) of section 7 of the Commission of Inquiry Act, 1952 (Central Act 60 of 1952), the Government of Kerala hereby declare that the said Commission of Inquiry shall cease to exist with effect from 15-12-1975.

By order of the Governor,

S. NARAYANASWAMY,

Special Secretary to Government.

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33/4453/MC.

Reg. No. KL/TV/12

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Thursday, 11th December 1975 / 20th Agrahayana 1897 [No. 730

GOVERNMENT OF KERALA

Public (Miscellaneous) Department

NOTIFICATION

No. 132450/M1/75/PD. *Dated, Trivandrum, 11th December, 1975.*

Government are pleased to declare Saturday, the 13th December 1975 as a public holiday in connection with Bakreed.

By order of the Governor,
N. SRINIVASAGOPALA IYENGAR,
Under Secretary.

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Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Thursday, 11th December 1975 / 20th Agrahayana 1897 [No. 729

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 16037/Leg. (A) 1/75/Law.

Dated, Trivandrum, 11th December 1975/
20th Agrahayana, 1897.

The following Ordinance promulgated by the Governor on the 10th day of December, 1975, is hereby published for general information.

By order of the Governor,
M. SEKHARAN,
Law Secretary.

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33/4454/MC.

ORDINANCE No. 20 OF 1975

THE KERALA LAND REFORMS (AMENDMENT) ORDINANCE, 1975

Promulgated by the Governor of Kerala in the Twenty-sixth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Land Reforms (Amendment) Ordinance, 1975.

(2) It shall come into force at once.

2. *Act 1 of 1964 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 14.

3. *Amendment of section 72H.*—In section 72H of the principal Act,—

(a) for sub-sections (2), (3), (4) and (5), the following sub-section shall be substituted, namely:—

"(2) The amount of compensation payable under sub-section (1) in respect of a holding shall be paid in cash in lump within a period of one year of the date on which the order of the Land Tribunal under sub-section (5) of section 72F has become final".

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) Where the amount of compensation is not paid on or before the expiry of the period of one year specified in sub-section (2), such amount shall bear interest at the rate of four percent per annum from the date of expiry of the said period of one year.".

4. *Amendment of section 72I.*—In section 72I of the principal Act, for sub-section (5A), the following sub-section shall be substituted, namely:—

"(5A) Notwithstanding anything contained in sub-section (4) or sub-section (5),—

(a) where the cultivating tenant has opted to pay the purchase price payable by him under section 72L in a lump; or

(b) where the landowner or the intermediary is a small holder and the amount of compensation in respect of all holdings held by cultivating tenants under him does not exceed five thousand rupees,

the amount of compensation determined under sub-section (3) shall be paid in cash in lump within one year from the date of such determination and if not so paid shall bear interest at the rate of four percent per annum from the date of expiry of that period.".

5. *Amendment of section 75.*—In sub-section (2) of section 75 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) for constructing a building for his own residence or for the residence of any member of his family including major sons and daughters; or".

6. *Amendment of section 77.*—In section 77 of the principal Act,—

(a) to sub-section (1), the following further proviso shall be added, namely:—

"Provided further that the Land Tribunal shall not entertain any application under this sub-section in respect of a kudikidappu, if an order under sub-section (3) of section 80B allowing an application for the purchase of that kudikidappu has been passed and such order is in force.";

(b) in sub-section (2), the proviso shall be omitted.

7. *Amendment of section 80C.*—In section 80C of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) As soon as may be after the order of the Land Tribunal under sub-section (3) of section 80B has become final, the Land Tribunal shall issue a certificate of purchase in such form and containing such particulars as may be prescribed, and thereupon the right, title and interest of the land owner, the intermediaries, if any, and the person in possession where he is not the land owner, in respect of the land allowed to be purchased, shall vest in the kudikidappukaran free from all encumbrances with effect from the date on which the order of the Land Tribunal under the said sub-section (3) has become final.";

(b) sub-section (3) shall be omitted;

(c) in sub-sections (5) and (6), for the words "second and subsequent instalments", the word "instalments" shall be substituted.

8. *Amendment of section 80D.*—In section 80D of the principal Act, for the words "the second or any subsequent instalment", the words "any instalment" shall be substituted.

9. *Amendment of section 96.*—In sub-section (1) of section 96 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

"*Explanation.*—For the purposes of this sub-section,—

(a) a kudikidappukaran or the tenant of a kudiyiruppu shall be deemed to be a landless agricultural labourer if he does not possess any other land;

(b) "kudikidappukaran" shall include a person who was a kudikidappukaran to whom a certificate of purchase has been issued under sub-section (2) of section 80C.".

10. *Amendment of section 100A.*—In section 100A of the principal Act,—

(a) for sub-section (2A), the following sub-section shall be substituted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), but subject to such rules as may be made by the Government in

this behalf, the functions of the Taluk Land Board may be performed by the Chairman alone or by the Chairman and any one or more of the other members of the Board.";

(b) in sub-section (2B),—

(i) for the words "The members", the words "The member or members" shall be substituted;

(ii) for the words "by them", the words "by him or them" shall be substituted;

(c) after sub-section (6A), the following sub-section shall be inserted, namely:

"(6B) The members of the Taluk Land Board other than the Chairman shall be entitled to a sitting fee of ten rupees per day for attending the meetings of the Board:

Provided that the Government may, by notification in the Gazette, and for reasons to be stated in such notification, fix such other amount as they deem fit, as sitting fee.";

(d) to sub-section (7), the following proviso shall be added, namely:—

"Provided that it shall not be necessary to record in writing the reasons for the removal or to give an opportunity of showing cause against the proposed removal, if the Government are of the opinion that it is not expedient, in the public interest, to record the reasons in writing or to give such opportunity.".

11. *Amendment of section 102.*—In sub-section (1) of section 102 of the principal Act, after the word and figures "section 73,", the words, brackets and figures "sub-section (2) of section 77," shall be inserted.

12. *Amendment of section 109.*—In sub-section (4) of section 109 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

"(c) for providing better facilities to—

(i) the kudikidappukars; and

(ii) persons who were kudikidappukars to whom certificates of purchase have been issued under sub-section (2) of section 80C,

in accordance with such rules as may be made by the Government in this behalf:

Provided that a person to whom a certificate of purchase has been issued under the said sub-section or his successor-in-interest

shall not be entitled to any benefit under this clause after the expiry of a period of twenty years from the date on which the right, title and interest in respect of the land allowed to be purchased by such person have vested in him under the said sub-section.".

13. *Amendment of section 123.*—In section 123 of the principal Act,—

(a) in the proviso to sub-section (1), for the words and figures "Code of Criminal Procedure, 1898", the words, figures and brackets "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted;

(b) in sub-section (2), for the words "a Magistrate of the first class", the words "a Judicial Magistrate of the first class" shall be substituted.

14. *Substitution of new section for section 123A.*—For section 123A of the principal Act, the following section shall be substituted, namely:—

"123A. *Cognizance of offences under section 118A.*—(1) Notwithstanding anything contained in section 123, or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence punishable under section 118A shall be tried by the Taluk Land Board of the taluk in which the person bound to file the statement under section 85A ordinarily resides.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every member of a Taluk Land Board shall, for the purposes of sub-section (1), be deemed to be a Judicial Magistrate of the first class.

(3) Subject to such rules as may be made by the Government under sub-section (5), the Taluk Land Board shall, in trying an offence punishable under section 118A, follow the procedure prescribed by the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), for the trial of summons cases by Judicial Magistrates.

(4) The Taluk Land Board shall not take cognizance of any offence punishable under section 118A, except on complaint in writing made by an officer authorised by the Government in this behalf.

(5) For the trial of offences punishable under section 118A by the Taluk Land Board, the Government may make rules in respect of the following matters, namely:—

(a) the constitution of benches consisting of two or more members of the Taluk Land Board;

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GOVERNMENT OF KERALA

Public Works (D) Department

DECLARATION

No. 54592/D1/75/PW. *Dated, Trivandrum, 9th December 1975*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has, in his Notification No. 2/4/63/Judl. II dated 3-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of land for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the land specified in the Schedule below;

And whereas the Government are satisfied that the said land has to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the land specified in the Schedule below and measuring

0.65 Sq. m. be the same a little more or less, is needed for a public purpose, to wit, for widening and strengthening for National Highway from Kms. 509/4 to 509/8 for approach to Ithikkara bridge and under section 7 of the Act, direct the Special Tahsildar for (L. A.) (NH), Quilon to take order for the acquisition of the land. Further, under sub-section (1) of section 19 of the Act the Government direct that the Collector may take possession of the land on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of Section 9 of the Act.

A plan of the land is kept in the office of the Special Tahsildar, for L. A., N. H., Quilon and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് ഒന്നാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ തന്റെ 3-5-1963-ാം തീയതിയിലെ 2/4/1963 ജുഡീഷ്യൽ II-ാം നമ്പർ പരസ്യപ്രകാരം കേരളാ ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന്, നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ്. താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും, 65 ച. മീറ്റർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്രതന്നെയോ, അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത് ഇത്തിക്കര പാലത്തിനുള്ള അപ്രോച്ച് റോഡിന് ആവശ്യമാണെന്ന് ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നും വില സ്പെഷ്യൽ താസിൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നുംകൂടി ആക്റ്റ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ കൊല്ലം നാഷണൽ ഹൈവേ പൊന്നും വില സ്പെഷ്യൽ താസിൽദാർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Quilon. Taluk—Quilon.

Village—Meenad

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in hectare*
1	1263/38	Dry land	0.65

By order of the Governor,

M. C. RAJA RAJA VARMA,
Deputy Secretary to Government.

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TRIVANDRUM, 1975.